

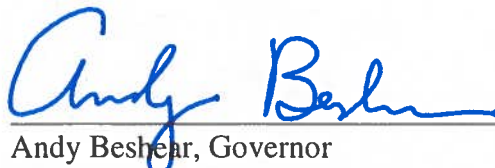
## STATEMENT OF EMERGENCY

201 KAR 35:040E

This emergency administrative regulation amendment is being promulgated to address an imminent threat to public health, safety, or welfare caused by the shortage of qualified counselors available to treat individuals during the current substance abuse crisis. Further, this emergency amendment is being promulgated to meet an imminent deadline imposed by state statute, namely SB 191. SB 191, signed by the Governor on April 24, 2020, and effective on March 1, 2021, amends KRS 309.080 to 309.089 to create two (2) additional credentials for drug and alcohol counseling. These credentials are administered and enforced by the Kentucky Board of Alcohol and Drug Counselors ("Board"). Among other things, KRS 309.0813, as amended by SB 191, requires the Board to promulgate administrative regulations to administer and enforce the new credentials. This statutory change required the amendment of nine (9) regulations and nineteen (19) forms. The Board has been diligently working on these regulatory amendments and forms, since the passage of SB 191. This emergency amendment will allow the Board to certify applicants for the two (2) new credentials created by SB 191 and regulate them in compliance with the statute effective March 1, 2021. An ordinary administrative regulation is not sufficient, because of the imminent effective date of SB 191. This emergency administrative regulation will be replaced by an ordinary administrative regulation. The ordinary administrative regulation is identical to this emergency regulation.



Tim Cesario, LCADC  
Chair, Kentucky Board of Alcohol and Drug  
Counselors



Andy Beshear, Governor  
Commonwealth of Kentucky

1 GENERAL GOVERNMENT CABINET

2 Board of Alcohol and Drug Counselors

3 (Emergency Amendment)

4 201 KAR 35:040E. Continuing education requirements.

5 RELATES TO: KRS 309.085(1)(b)

6 STATUTORY AUTHORITY: KRS 309.0813(2), 309.085(1)(b)

7 NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.0813(2) and 309.085(1)(b)

8 authorize the Board of Alcohol and Drug Counselors to promulgate administrative regulations  
9 establishing continuing education requirements. This administrative regulation establishes the  
10 requirements for continuing education and prescribes methods and standards for the accreditation  
11 of continuing education courses.

12 Section 1. Basic Continuing Education Requirements. (1)(a) A minimum of ten (10)  
13 continuing education hours each year shall be accrued by each person holding a registration as an  
14 alcohol and drug peer support specialist.

15 (b) A minimum of thirty (30) continuing education hours, including at least six (6)  
16 continuing education hours in ethics, each year shall be accrued by each person holding a  
17 certificate as a certified alcohol and drug counselor associate I and a certified alcohol and drug  
18 counselor associate II.

19 (c) A minimum of sixty (60) continuing education hours shall be accrued by each person  
20 holding a certificate as a certified alcohol and drug counselor during the three (3) year certification  
21 period for renewal with at least three (3) continuing education hours in ethics.

1           ~~(d)~~~~(e)~~ A minimum of sixty (60) continuing education hours shall be accrued by each  
2 person holding a license as a licensed clinical alcohol and drug counselor during the three (3) year  
3 licensure period for renewal with at least three (3) continuing education hours in ethics.

4           ~~(e)~~~~(f)~~ A minimum of twenty (20) continuing education hours each year shall be accrued  
5 by each person holding a license as a licensed clinical alcohol and drug counselor associate. A  
6 licensed clinical alcohol and drug counselor associate shall obtain at least three (3) continuing  
7 education hours in ethics during the renewal cycle.

8           (2) All continuing education hours shall be relevant to the field of alcohol and drug  
9 counseling.

10          (3) A credential holder shall determine prior to attending a specific continuing education  
11 program that the program:

12           (a) Has been approved by the board; or

13           (b) Is offered or sponsored by an organization approved by the board to provide continuing  
14 education programs.

15          (4) If the specific continuing education program is not preapproved as established in  
16 subsection (3) of this section, the credential~~certificate~~ holder may apply for board approval by  
17 providing the information required by Section 4 of this administrative regulation.

18          (5) A person credentialed by the board~~credential holder~~ shall complete a minimum of six  
19 (6) hours of continuing education in suicide assessment, treatment, and management as required  
20 by KRS 210.366. The suicide assessment, treatment, and management continuing education course  
21 shall be approved by the board, be provided by an entity identified in Section 2(4)(b) of this  
22 administrative regulation, or be approved by one (1) of the following boards:

23           (a) Kentucky Board of Social Work;

(b) Kentucky Board of Licensure of Marriage and Family Therapists;

(c) Kentucky Board of Licensed Professional Counselors;

(d) Kentucky Board of Licensure for Pastoral Counselors;

(e) Kentucky Board of Examiners of Psychology; or

(f) Kentucky Board of Licensure for Occupational Therapy.

Section 2. Methods of Acquiring Continuing Education Hours. (1) Continuing education hours applicable to the renewal of the credential shall be directly related to the professional growth and development of a credential holder.

(2) Continuing education hours may be earned by:

(a) Attending a continuing education program that has prior approval by the board;

(b) The completion of appropriate academic coursework; or

(c) Other alternative methods approved by the board in accordance with subsection (6) of this section.

(3) At least fifty (50) percent of the required continuing education hours for a credential holder shall be earned through live synchronous or face-to-face continuing education presentations.

(4) Attendance at continuing education programs automatically approved by the board.

(a) A program relevant to the practice of alcohol and drug counseling that is provided, approved, or sponsored by any of the providers listed in paragraph (b) of this subsection shall be:

1. Approved without further review; and

2. Exempt from the program fee established in 201 KAR 35:020, Section 8.

(b) The provisions of this subsection shall apply to the following providers:

1           1. The National Association of Addiction Professionals (NAADAC) and its member  
2 boards;

3           2. The International Certification and Reciprocity Consortium (ICRC);

4           3. The Kentucky Cabinet for Health and Family Services, Division of Mental Health and  
5 Substance Abuse and its subcontractors;

6           4. Community Mental Health Centers;

7           5. The Kentucky School of Alcohol and Drug Studies;

8           6[5]. An Addiction Technology Transfer Center (ATTC);

9           7[6]. State or United States Regional Addiction Training Institute;

10          8[7]. Clinical Applications of the Principles on Treatment of Addictions and Substance  
11 Abuse (CAPTASA); or

12          9[8]. National Conference on Addiction Disorders (NCAD).

13          (5)(a) Academic coursework. An academic course, as defined in 201 KAR 35:010, Section  
14 1(1), shall not require board review or approval.

15          (b) A general education course, or elective designated to meet academic degree  
16 requirements, shall be acceptable for continuing education credit if it is relevant to the practice of  
17 alcohol and drug counseling.

18          (c) Academic credit equivalency for continuing education hours shall be based on one (1)  
19 credit hour equaling fifteen (15) continuing education hours.

20          (6) Alternative methods for obtaining continuing education hours; programs requiring  
21 board review and approval. The following activities shall be reviewed by the board to determine  
22 whether or not the activity complies with the requirements of Section 3(2) of this administrative  
23 regulation:

1 (a)1. A program, including a home study course and in-service training provided by an  
2 organization or education institution not listed in subsection (4)(b) of this section; or

3 2. A program or academic course presented by the credential holder, who shall earn two  
4 (2) continuing education hours for each contact hour of instruction, unless it is repeated instruction  
5 of the same course; or

6 (b) A relevant publication in a professionally recognized or juried publication authored by  
7 the credential holder, who shall earn continuing hours as follows:

8 1. Five (5) continuing education hours for each published abstract or book review in a  
9 refereed journal;

10 2. Ten (10) continuing education hours for each book chapter or monograph;

11 3. Fifteen (15) continuing education hours for each published article in a refereed journal;

12 and

13 4. Twenty (20) continuing education hours for each published book.

14 Section 3. Procedures for Preapproval of Continuing Education Programs. (1) An applicant  
15 seeking to obtain approval of a continuing education program prior to its offering shall apply to  
16 the board at least thirty (30) days in advance of the commencement of the program, and shall  
17 provide the information required in Section 4 of this administrative regulation.

18 (2) A continuing education activity shall be qualified for approval if the activity:

19 (a) Is an organized program of learning;

20 (b) Pertains to subject matter relating to alcohol and drug counseling;

21 (c) Enhances the professional competence of the credential holder by:

22 1. Refreshing knowledge and skills; or

23 2. Educating on a new topic or subject; and

(d) Is conducted by a competent instructor, as documented by appropriate academic training, professional licensure or certification, or professionally recognized experience.

(3)(a) The board may monitor or review a continuing education program approved by the board, in accordance with this section.

(b) Upon evidence of significant variation in the program presented from the program approved, the board shall withdraw approval of the hours granted to the program.

Section 4. Subsequent Approval of Continuing Education Programs. (1) A course that has not been preapproved by the board may be used for continuing education if approval is subsequently secured from the board.

(2) The following information shall be submitted for board review of a program:

(a) A published course or seminar description;

(b) The name and qualifications of the instructor;

(c) A copy of the program agenda indicating hours of education;

(d) Number of continuing education hours requested;

(e) Official certificate of completion or college transcript from the sponsoring agency or college; and

(f) Continuing Education Program Application for continuing education credits approval.

Section 5. Application for Approved Sponsor. (1) A company, individual, or association that wishes to be designated as an approved sponsor of continuing education shall complete a Continuing Education Sponsor Application, and pay the provider fee established in 201 KAR 35:020, Section 8.

(2) An approved sponsor of continuing education shall be allowed to advertise the program as preapproved to meet the continuing education requirements for credential renewal.

(3)(a) Approval shall be for one (1) year from date of approval unless substantial course changes occur.

(b) For purposes of this section, a substantial course change shall be a change in the curriculum in excess of twenty (20) percent.

Section 6. Responsibilities and Reporting Requirements of Credential Holder; Audit. (1)(a)

During the renewal period, the board shall review at least fifteen (15) percent of all credential holders' documentation supporting the completion of the appropriate number of continuing education hours through a random audit process.

(b) Copies of supporting documentation submitted to the board shall be shredded and shall not be returned to the certificate holder upon completion of the audit process.

(c) Verification of continuing education hours shall not otherwise be reported to the board.

(2) A credential holder shall:

(a) Be responsible for obtaining the required continuing education hours;

(b) Identify personal continuing education needs and seek activities that meets those needs;

(c) Seek ways to integrate new knowledge, skills, and activities;

(d) Select approved activities by which to earn continuing education hours;

(e) Submit to the board, if applicable, a request for approval for continuing education activities not approved as established in Section 3 of this administrative regulation;

(f) Document attendance, participation in, and successful completion of continuing education activity; and

(g) Maintain records of continuing education hours for five (5) years from the date of the offering of the continuing education activity.

(3) The following items may be used to document continuing education activity:



- 1 (a) Transcript;
- 2 (b) Certificate;
- 3 (c) Affidavit signed by the instructor;
- 4 (d) Receipt for the fee paid to the sponsor; or
- 5 (e) Written summary of experiences that are not formally or officially documented
- 6 otherwise.

7 (4) Failure to comply with this administrative regulation shall constitute a violation of KRS  
8 309.085(1)(b) and shall result in board:

- 9 (a) Refusal to renew credential;
- 10 (b) Suspension of credential; or
- 11 (c) Revocation of credential.

12 Section 7. Carryover of Continuing Education Hours Prohibited. Continuing education  
13 hours earned in excess of those required pursuant to Section 1 of this administrative regulation  
14 shall not be carried forward.

15 Section 8. Waiver or Extensions of Continuing Education. (1) On application, the board  
16 may grant a waiver of the continuing education requirements or an extension of time within which  
17 to fulfill the requirements in the following cases:

- 18 (a) Medical disability or serious injury of the credential holder;
- 19 (b) Serious illness of the credential holder or of an immediate family member; or
- 20 (c) Death or serious injury of an immediate family member.

21 (2) A written request for waiver or extension of time involving medical disability or illness  
22 shall be:

- 23 (a) Submitted by the credential~~[certificate]~~ holder; and

(b) Accompanied by a verifying document signed by a licensed physician or an advanced practice registered nurse.

(3) A waiver of or extension of time within which to fulfill the minimum continuing education requirements shall not exceed one (1) year.

(4) If the medical disability or illness upon which a waiver or extension has been granted continues beyond the period of the waiver or extension, the credential holder shall reapply for the waiver or extension.

Section 9. Continuing Education Requirements for Reinstatement or Reactivation of a Credential. (1) A person requesting reinstatement of certification as a certified alcohol and drug counselor or licensure shall:

(a) Submit evidence of receiving sixty (60) hours of continuing education within the three (3) year period immediately preceding the date that reinstatement is requested; or

(b) Obtain thirty (30)~~[sixty (60)]~~ hours of continuing education within six (6) months of reinstatement of certification as a certified alcohol and drug counselor or licensure.

(2) Failure to obtain thirty (30)~~[sixty (60)]~~ hours within six (6) months shall result in termination of certification or licensure.

(3) A person requesting reinstatement of certification as a certified alcohol and drug counselor associate I or certified alcohol and drug counselor associate II shall submit evidence of receiving sixty (60) hours of continuing education within the three (3) year period immediately preceding the date that reinstatement is requested.

(4) A person requesting reinstatement of a registration shall:

(a) Submit evidence of receiving thirty (30) hours of continuing education within the three (3) year period immediately preceding the date that reinstatement is requested; or

1 (b) Obtain ten (10) hours of continuing education within six (6) months of reinstatement  
2 of registration.

3 (4) Failure to obtain ten (10) hours within six (6) months shall result in termination of  
4 registration.

5 (5) A person requesting reactivation of registration, certification, or licensure shall submit  
6 evidence of receiving twenty (20) hours of continuing education within one (1) year immediately  
7 preceding the date that reactivation is requested. A minimum of ten (10) hours shall be live  
8 synchronous or face-to-face continuing education presentations.

9 (6) The continuing education hours received in compliance with this section shall be in  
10 addition to the continuing education requirements established in Section 1 of this administrative  
11 regulation and shall not be used to comply with the requirements of that section.

12 Section 10. Incorporation by Reference. (1) The following material is incorporated by  
13 reference:

14 (a) "Continuing Education Sponsor Application Form", 2008; and

15 (b) " Continuing Education Program Application", June 2015.

16 (2) This material may be inspected, copied, or obtained, subject to applicable copyright  
17 law, at the Kentucky Board of Alcohol and Drug Counselors, 500 Mero Street, 2 SC 32, Frankfort,  
18 Kentucky, telephone (502) 782-8814, Monday through Friday, 8:30 a.m. to 4:30 p.m.

19 The board's Web site address is: <https://adc.ky.gov>.

201 KAR 35:040E  
READ AND APPROVED:



February 25, 2021

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Tim Cesario  
Chair, Kentucky Board of Alcohol and Drug  
Counselors

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Date

## PUBLIC HEARING AND PUBLIC COMMENT PERIOD

A public hearing on this administrative regulation shall be held at 9:00 AM on April 26, 2021 at 500 Mero Street, 127CW, Frankfort, Kentucky 40601. In the event the building is not open to the public on April 26, 2021, including if the declared State of Emergency in Executive Order 2020-215 and the State of Emergency Relating to Social Distancing in Executive Order 2020-243 are not rescinded by April 26, 2021, this hearing will be held by video teleconference, in which event members of the public wishing to attend may utilize the following link:

Join from PC, Mac, Linux, iOS or Android:

<https://us02web.zoom.us/j/83379565231?pwd=VUF1MThJYTZnbmNlWmxMZEt0RCtyZz09>

Password: 930689

Or Telephone:

Dial:

USA 713 353 0212

USA 8888227517 (US Toll Free)

Conference code: 995892

Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through 11:59 PM on April 30, 2021. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person below.

Contact Person: Kevin R. Winstead

Title: Commissioner, Department of Professional Licensing

Address: 500 Mero Street, 237CW, Frankfort, Kentucky 40601

Phone: +1 (502) 782-0562

Fax: +1 (502) 564-4818

Email: [KevinR.Winstead@ky.gov](mailto:KevinR.Winstead@ky.gov)

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Regulation: 201 KAR 35:040E

Contact Person: Kevin R. Winstead

Phone: +1 (502) 782-0562

Email: KevinR.Winstead@ky.gov

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the continuing education requirements for a credential holder.

(b) The necessity of this administrative regulation: KRS 309.0813(2) (effective March 1, 2021) requires the board to promulgate administrative regulations pursuant to KRS Chapter 13A establishing continuing education for credential holders.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the content of the authorizing statute, KRS 309.0813(2) (effective March 1, 2021), by establishing continuing education for credential holders.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation currently assists in the effective administration of the statutes by establishing continuing education requirements for credential holders.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The amendment will change the existing administrative regulation by: (1) requiring each person holding a certificate as a certified alcohol and drug counselor associate I and a certified alcohol and drug counselor associate II to complete a minimum of thirty (30) continuing education hours, including at least six (6) continuing education hours in ethics each year; (2) allowing live synchronous continuing education presentations to count as in-person trainings; (3) adding Community Mental Health Centers to the list of preapproved continuing education providers; (4) allowing reinstatement of a certification as a certified alcohol and drug counselor or licensure by obtaining thirty (30) hours of continuing education within six (6) months of reinstatement; (5) requiring a person requesting reinstatement of certification as a certified alcohol and drug counselor associate I or II to submit evidence of receiving sixty (60) hours of continuing education within the three (3) year period immediately preceding the date that reinstatement is requested; and (6) adding the board's Web site address.

(b) The necessity of the amendment to this administrative regulation: The amendments are necessary to establish continuing education requirements for credential holders.

(c) How the amendment conforms to the content of the authorizing statutes: The regulation is in conformity as the authorizing statute, KRS 309.0813(2) (effective March 1, 2021), gives the board the ability to promulgate regulations regarding the continuing education requirement for a credential holder. KRS 309.0841 (effective March 1, 2021) requires a certificate holder as a certified alcohol and drug counselor associate I, during the first twelve (12) months after initial licensure has been issued, to complete at least thirty (30) additional classroom hours of board-approved curriculum. KRS 309.0841 (effective March 1, 2021) requires a certificate holder as a certified alcohol and drug counselor associate II to have seventy (70) hours of approved classroom hours of board-approved curriculum of which twenty (20) hours shall have been obtained in the previous two (2) years.

(d) How the amendment will assist in the effective administration of the statutes: The amendment will assist in establishing a continuing education requirement for all credential holders.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The board is unable to determine the exact number of persons who would be impacted by this regulation since the applications vary from month to month. Future applicants and persons credentialed by the board will be affected by this administrative regulation. As of February 1, 2021 there were 513 licensed clinical alcohol and drug counselors, 21 licensed clinical alcohol and drug counselor associates, 458 certified alcohol and drug counselors, 930 temporary certified alcohol and drug counselors, 95 temporary registered alcohol and drug peer support specialists, and 15 registered alcohol and drug peer support specialists.

(4) Provide an analysis of how the entities identified in the previous question will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions each of the regulated entities have to take to comply with this regulation or amendment: A credential holder will be required to comply with the continuing education requirement or be subject to possible disciplinary action.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities: The board is unable to determine how much it will cost each entity to comply with this amendment to the administrative regulation. Persons holding newly created credential will be required to obtain continuing education hours. Some programs cost money to attend.

(c) As a result of compliance, what benefits will accrue to the entities: As a result of compliance, the credential holders will know the continuing education requirements expected of them by the board.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: Initially, there is no additional cost to the administrative body to implement this administrative regulation.

(b) On a continuing basis: On a continuing basis, there is no additional cost to the administrative body to implement this administrative regulation.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The board's operations are funded by fees paid by credential holders and applicants.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There are no increases in fees or funding to implement this administrative regulation.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This administrative regulation did not establish any fees or directly or indirectly increase any fees.

(9) TIERING: Is tiering applied? Explain why or why not. Tiering was not applied as the regulation is applicable to all credential holders. This regulation does not distinguish between similarly situated individuals on the basis of any factor.



## FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation: 201 KAR 35:040E

Contact Person: Kevin R. Winstead

Phone: +1 (502) 782-0562

Email: KevinR.Winstead@ky.gov

(1) What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Kentucky Board of Alcohol and Drug Counselors.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 309.0813(1) (effective March 1, 2021) requires the board to promulgate administrative regulations pursuant to KRS Chapter 13A for the administration and enforcement of KRS 309.080 to 309.089. KRS 309.0813(2) (effective March 1, 2021) requires the board to promulgate administrative regulations establishing continuing education for credential holders.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This regulation will not generate revenue for state or local government.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This regulation will not generate revenue for state or local government.

(c) How much will it cost to administer this program for the first year? There will be no additional cost to administer this program.

(d) How much will it cost to administer this program for subsequent years? There will be no additional cost to administer this program.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

(4) Revenues (+/-): Neutral

(5) Expenditures (+/-): Neutral

(6) Other Explanation: None



# GENERAL ASSEMBLY

## COMMONWEALTH OF KENTUCKY

### 2020 REGULAR SESSION

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SENATE BILL NO. 191

AS ENACTED

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TUESDAY, APRIL 14, 2020

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RECEIVED AND FILED  
DATE 4/24/2020  
3:35 PM

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MICHAEL G. ADAMS  
SECRETARY OF STATE  
COMMONWEALTH OF KENTUCKY  
BY RW

1 AN ACT relating to substance use disorders.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 222 IS CREATED TO  
4 READ AS FOLLOWS:

5 (1) For the purposes of this section only:

6 (a) "Employee" means a person who has failed a drug screen related to  
7 employment; and

8 (b) "Employer" means an employer who elects to employ a person who has  
9 failed a drug screen related to employment.

10 (2) The purpose of this section is to foster economic opportunities for individuals  
11 with histories of substance use disorder and to encourage employer participation  
12 in substance use disorder treatment programs.

13 (3) The Cabinet for Health and Family Services shall, in conjunction with the Office  
14 of Drug Control Policy, promulgate any administrative regulations necessary to  
15 implement an employer-facilitated substance use disorder treatment program for  
16 employees who have failed an employment-related drug screen. The  
17 administrative regulations, at a minimum, shall include provisions:

18 (a) Enumerating elements necessary in an employer's drug policy if the  
19 employer elects to participate in an employer-facilitated substance use  
20 disorder treatment program;

21 (b) Mandating an initial clinical assessment of the employee by a qualified  
22 health professional and creation of a written treatment plan;

23 (c) Containing referral information for clinical assessments of employees,  
24 education, and treatment options;

25 (d) Requiring the employee provide its employer with proof of the employee's  
26 active participation in a licensed drug education and substance use disorder

27 treatment program and demonstrated successful compliance with the

- 1           recommendations of the initial clinical assessment; and
- 2           (e) Establishing follow-up drug testing for the employee.
- 3   (4) The Cabinet for Health and Family Services in conjunction with the Office of  
4       Drug Control Policy shall:
- 5           (a) Promote voluntary participation for all employers regardless of the number  
6               of employees; and
- 7           (b) Develop and deliver resources and training for employers including the  
8               following information:
- 9               1. The definition of substance use disorder as defined in the current  
10               edition of the American Psychiatric Association's Diagnostic and  
11               Statistical Manual of Mental Disorders;
- 12               2. Signs and symptoms of a substance use disorder;
- 13               3. A list of licensed treatment options for substance use disorder;
- 14               4. Information about acceptable use of treatment records covered by the  
15               federal Health Insurance Portability and Accountability Act;
- 16               5. Information about substance use disorder treatment, return to use,  
17               and supportive work environments for treatment and recovery; and
- 18               6. A list of qualified health professionals that an employer may use to  
19               provide onsite drug abuse prevention education and substance use  
20               disorder treatment services for employees.
- 21   (5) To participate in a treatment program the employee shall:
- 22           (a) Provide the employer with a signed consent authorizing the employer to  
23               provide and receive documentation confirming the employee's participation  
24               and completion of substance use treatment services;
- 25           (b) Comply with the employer's drug policy; and
- 26           (c) Comply with the administrative regulations promulgated by the Cabinet for  
27               Health and Family Services in conjunction with the Office of Drug Control

1           Policy.

2   (6) To participate in the program an employer shall:

3       (a) Develop and distribute to persons it employs a written drug policy,  
 4       procedure, or protocol including, without limit, a test or series of tests to  
 5       objectively measure substances that can create substance use disorders, that  
 6       is in compliance with state and federal law;

7       (b) Require an employee to participate in recommended drug education and  
 8       licensed substance use disorder treatment services as a condition of  
 9       employment;

10      (c) Have the right to discipline or terminate an employee who does not comply  
 11      with the agreed treatment services or the employer's drug policy;

12      (d) Comply with the administrative regulations promulgated by the Cabinet for  
 13      Health and Family Services, and the Office of Drug Control Policy; and

14      (e) Secure all records and information concerning an employee's drug test  
 15      results, treatment assessments, and treatment reports in a confidential  
 16      manner and shall maintain this information separately from the employee's  
 17      personnel file. The employer shall share this information:

18          1.   a. Internally only with those in the employee's chain-of-authority  
 19               who need the information to perform responsibilities related to  
 20               supervision or support of the employee; and

21               b. Externally only when the employee has provided specific written  
 22               authorization to disclose specific facts to specific parties for a  
 23               specific purpose; or

24          2.   As ordered by the court.

25   (7) An employer may:

26      (a) Pay for all or part of the employee's substance use disorder education and  
 27      treatment services; and

1       **(b) Accept a voluntary wage assignment from the employee to pay for part of**  
2       **the employee's substance use disorder treatment. The wage assignment**  
3       **shall not reduce the employee's remaining net compensation below the**  
4       **federal minimum wage during any pay period.**

5       **(8) If an employer complies with the requirements of this section:**

6       **(a) The employer shall not be liable for a civil action alleging negligent hiring,**  
7       **negligent retention, or negligent supervision for a negligent act by the**  
8       **employee as a result of the employee's substance use disorder unless it can**  
9       **be shown that the employer violated subsection (6) of this section, or knew**  
10       **or should have known, that the employee had a recurrence of his or her**  
11       **substance use disorder and was acting under the influence of the substance**  
12       **at the time of the alleged negligent act;**

13       **(b) The employer's participation or nonparticipation in a drug education and**  
14       **substance use disorder treatment program shall not be admissible as**  
15       **evidence in an action against the employer, the employer's agent, or the**  
16       **employer's employee except that it may be admitted as evidence of the**  
17       **participating employer's liability limitation, mitigation of damages, or as**  
18       **evidence of a participating employer's noncompliance with subsection (6) of**  
19       **this section; and**

20       **(c) Referral and treatment for drug education and substance use disorder**  
21       **treatment by the employer shall not be sufficient to constitute compliance**  
22       **with this section unless the employee has complied with all other**  
23       **requirements of this statute and associated administrative regulations.**

24       **(9) This section shall not form the basis of any individual private right of action and**  
25       **subsection (8)(a) of this section shall operate as an affirmative defense for which**  
26       **an employer bears the burden of proving compliance. However, nothing in this**  
27       **section shall bar a plaintiff from commencing a cause of action for any common**

law claim for any injury to person or property or for wrongful death in any civil action alleging negligent hiring, negligent retention, or negligent supervision, against an employer.

→SECTION 2. A NEW SECTION OF KRS 309.080 TO 309.089 IS CREATED TO READ AS FOLLOWS:

(1) An applicant for certification as a certified alcohol and drug counselor associate

I shall pay the board the initial fee for certification, and shall:

(a) Be at least eighteen (18) years of age;

(b) Have obtained a high school diploma or high school equivalency diploma;

(c) Have completed forty (40) classroom hours of board-approved curriculum, twenty (20) hours of which shall have been obtained in the previous two (2) years, that includes:

1. Screening assessment and engagement;

2. Treatment planning, collaboration, and referral;

3. Counseling; and

4. Professional and ethical responsibilities;

(d) Be under the ongoing supervision of a board-approved supervisor for no less than two (2) hours, two (2) times a month in the practice of drug and alcohol counseling; and

(e) Submit a signed statement agreeing to practice by the code of ethical standards adopted by the board.

(2) During the first twelve (12) months after an initial certificate has been issued, a certified alcohol and drug counselor associate I shall complete at least thirty (30) additional classroom hours of board-approved curriculum as specified in subsection (1)(c)1. to 4. of this section.

→SECTION 3. A NEW SECTION OF KRS 309.080 TO 309.089 IS CREATED TO READ AS FOLLOWS:

1 An applicant for certification as a certified alcohol and drug counselor associate II  
 2 shall pay the board the initial fee for certification, and shall:

3 (1) Be certified by the board as a certified alcohol and drug counselor associate I for  
 4 a period of at least eight (8) months;

5 (2) Have four hundred (400) hours of documented chemical dependency counseling-  
 6 related compensated work or supervised internship experience of which a  
 7 minimum of eighty (80) hours shall be in chemical dependency counseling and  
 8 all of which shall have been under the direct supervision of:

9 (a) A certified alcohol and drug counselor who has at least two (2) years of  
 10 post-certification experience and has attended the board-sponsored  
 11 supervision training; or

12 (b) A licensed clinical alcohol and drug counselor who has at least twelve (12)  
 13 months of post-licensure experience or has attended the board-sponsored  
 14 supervision training; and

15 (3) Have seventy (70) hours of approved classroom hours of board-approved  
 16 curriculum of which twenty (20) hours shall have been obtained in the previous  
 17 two (2) years and shall be in addition to the classroom hours required in Section  
 18 2 of this Act for a certified alcohol and drug counselor associate I.

19 ➔Section 4. KRS 309.080 is amended to read as follows:

20 As used in KRS 309.080 to 309.089, unless the context otherwise requires:

21 (1) "Board" means the Kentucky Board of Alcohol and Drug Counselors;

22 (2) "Certified alcohol and drug counselor associate I" means a person certified by  
 23 the board who meets the requirements of Section 2 of this Act;

24 (3) "Certified alcohol and drug counselor associate II" means a person certified by  
 25 the board who meets the requirements of Section 3 of this Act;

26 (4) "Certified alcohol and drug counselor" means a person certified by the board who  
 27 meets the requirements in KRS 309.083;



1 ~~(5)~~~~(3)~~ "Certificate holder" means an alcohol and drug counselor who is certified  
2 pursuant to KRS 309.080 to 309.089;

3 ~~(6)~~~~(4)~~ "Licensed clinical alcohol and drug counselor" means a person licensed by the  
4 board who meets the requirements of KRS 309.0832;

5 ~~(7)~~~~(5)~~ "Licensed clinical alcohol and drug counselor associate" means a person  
6 licensed by the board who meets the requirements of KRS 309.0833;

7 ~~(8)~~~~(6)~~ "Licensee" means a clinical alcohol and drug counselor who is licensed  
8 pursuant to KRS 309.080 to 309.089;

9 ~~(9)~~~~(7)~~ "Practice of alcohol and drug counseling":

10 (a) Means the assessment and counseling of an individual, family, or group  
11 dealing with an alcohol or drug problem or addiction; and

12 (b) Does not include the diagnosis or treatment of a mental health condition, or  
13 the administration or interpretation of psychological tests;

14 ~~(10)~~~~(8)~~ "Registered alcohol and drug peer support specialist" means a person  
15 registered by the board who meets the requirements in KRS 309.0831; and

16 ~~(11)~~~~(9)~~ "Registrant" means an alcohol and drug peer support specialist who is  
17 registered pursuant to KRS 309.080 to 309.089.

18 ➔Section 5. KRS 309.0805 is amended to read as follows:

19 (1) No person shall use the title "licensed clinical alcohol and drug counselor,"  
20 "licensed clinical alcohol and drug counselor associate," "certified alcohol and drug  
21 counselor," "certified alcohol and drug counselor associate II," "certified alcohol  
22 and drug counselor associate I," or "registered alcohol and drug peer support  
23 specialist," or hold himself or herself out as a "licensed clinical alcohol and drug  
24 counselor," "licensed clinical alcohol and drug counselor associate," "certified  
25 alcohol and drug counselor," or "registered alcohol and drug peer support specialist"  
26 unless he or she is licensed, certified, or registered pursuant to KRS 309.080 to  
27 309.089.

1 (2) Nothing in KRS 309.080 to 309.089 shall apply to persons licensed, certified, or  
 2 registered under any other provision of the Kentucky Revised Statutes, including  
 3 but not limited to physicians, social workers, psychologists, marriage and family  
 4 therapists, art therapists, nurses, or students in accredited training programs in those  
 5 professions, and nothing in KRS 309.080 to 309.089 shall be construed to limit,  
 6 interfere with, or restrict the practice, descriptions of services, or manner in which  
 7 they hold themselves out to the public.

8 (3) Nothing in KRS 309.080 to 309.089 shall be construed to alter, amend, or interfere  
 9 with the practice of those who render counseling services, including but not limited  
 10 to employment counseling, job placement counseling, vocational rehabilitation  
 11 counseling, pastoral counseling based on any tenet of one's religious beliefs, or  
 12 school counseling.

13 (4) Nothing in KRS 309.080 to 309.089 shall apply to the activities and services of a  
 14 student intern or trainee who is pursuing a program of studies in alcohol and drug  
 15 counseling at an accredited institution of higher education, if these activities are  
 16 performed under the supervision or direction of an approved supervisor and the  
 17 activities are part of the supervised program of studies.

18 ➔Section 6. KRS 309.0813 is amended to read as follows:

19 The board shall:

20 (1) Promulgate administrative regulations pursuant to KRS Chapter 13A for the  
 21 administration and enforcement of KRS 309.080 to 309.089;

22 (2) Promulgate administrative regulations pursuant to KRS Chapter 13A establishing a  
 23 code of ethics, standards of practice, and continuing education for licensed clinical  
 24 alcohol and drug counselors, licensed clinical alcohol and drug counselor  
 25 associates, certified alcohol and drug counselors, certified alcohol and drug  
 26 counselor associates II, certified alcohol and drug counselor associates I, and  
 27 registered alcohol and drug peer support specialists;

- 1 (3) Approve and disapprove, at least once every other month~~[twice a year]~~, those  
2 persons who shall be licensed, certified, or registered under KRS 309.080 to  
3 309.089;
- 4 (4) Approve the examination required of applicants for licensure or certification as  
5 alcohol and drug counselors and applicants for registration as alcohol and drug peer  
6 support specialists, and promulgate administrative regulations pursuant to KRS  
7 Chapter 13A for the administration and grading of the examination;
- 8 (5) Promulgate administrative regulations pursuant to KRS Chapter 13A to define the  
9 process to register with the board as a registered alcohol and drug peer support  
10 specialist, certified alcohol and drug counselor, licensed clinical alcohol and drug  
11 counselor associate, or licensed clinical alcohol and drug counselor;
- 12 (6) Promulgate administrative regulations pursuant to KRS Chapter 13A establishing  
13 grounds and procedures for denying, suspending, failing to reissue, or revoking a  
14 license, certificate, or registration, and issuing reprimands and admonishments  
15 pursuant to KRS 309.080 to 309.089;
- 16 (7) Hold a hearing pursuant to KRS Chapter 13B upon the request of an aggrieved  
17 licensee, licensee associate, certificate holder, or registrant, or an applicant for a  
18 license, certificate, or registration;
- 19 (8) Employ needed personnel and establish their duties and compensation;
- 20 (9) Maintain a register of licensed clinical alcohol and drug counselors, licensed  
21 clinical alcohol and drug counselor associates, certified alcohol and drug  
22 counselors, and registered alcohol and drug peer support specialists;
- 23 (10) Keep a complete record of the board's proceedings;
- 24 (11) Investigate suspected or alleged violations of KRS 309.080 to 309.089 and the  
25 administrative regulations promulgated pursuant to KRS 309.080 to 309.089;
- 26 (12) Promulgate administrative regulations pursuant to KRS Chapter 13A establishing  
27 an initial licensure fee, certification fee, registration fee, and annual renewal fees

- 1 not to exceed three hundred dollars (\$300) each;
- 2 (13) Take legal action as necessary to restrain or enjoin violations of KRS 309.080 to
- 3 309.089 and the administrative regulations promulgated pursuant to KRS 309.080
- 4 to 309.089;
- 5 (14) Submit an annual report to the Governor and the Legislative Research Commission
- 6 by January 1 of each year, which lists all hearings conducted by the board and the
- 7 decisions rendered; and
- 8 (15) Collect and deposit all fees, fines, and other moneys owed to the board into the
- 9 State Treasury to the credit of the revolving fund established in KRS 309.082.

10 ➔Section 7. KRS 309.083 is amended to read as follows:

11 An applicant for certification as an alcohol and drug counselor shall pay the board the

12 initial fee for certification, and shall:

- 13 (1) Be at least eighteen (18) years of age;
- 14 (2) Have obtained a baccalaureate degree, unless the applicant is certified by the board
- 15 as a certified alcohol and drug counselor associate II;
- 16 (3) Have completed the minimum work experience and supervision requirements for
- 17 alcohol and drug counselors by the International Certification and Reciprocity
- 18 Consortium with supervised hours being~~[six thousand (6,000) hours of board-~~
- 19 ~~approved experience working with persons having a substance use disorder, three~~
- 20 ~~hundred (300) hours of which shall have been]~~ under the direct supervision of:
- 21 (a) A certified alcohol and drug counselor who has at least two (2) years of post-
- 22 certification experience and has attended the board-sponsored supervision
- 23 training; or
- 24 (b) A licensed clinical alcohol and drug counselor who has at least twelve (12)
- 25 months~~[two (2) years]~~ of post-licensure experience or has attended the
- 26 board-sponsored supervision training;
- 27 (4) Meet all minimum supervision, education, and training requirements of the

1        **International Certification and Reciprocity Consortium for the Alcohol and Drug**  
 2        **Counselor (ADC)**~~[Have completed at least two hundred seventy (270) classroom~~  
 3        ~~hours of board-approved curriculum];~~

4        (5) Have passed a written examination **for alcohol and drug counselors** that has been  
 5        approved by the International Certification **and** Reciprocity Consortium~~[on~~  
 6        ~~Alcoholism and Drug Abuse];~~

7        (6) Have signed an agreement to abide by the standards of practice and code of ethics  
 8        approved by the board;

9        (7) Have completed at least six (6) hours of ethics training; three (3) hours of domestic  
 10        violence training; and two (2) hours of training in the transmission, control,  
 11        treatment, and prevention of the human immunodeficiency virus;

12        (8) Have submitted two (2) letters of reference from certified or licensed clinical  
 13        alcohol and drug counselors;

14        (9) Live or work at least a majority of the time in Kentucky; and

15        (10) Have complied with the requirements for the training program in suicide  
 16        assessment, treatment, and management in KRS 210.366 and any administrative  
 17        regulations promulgated thereunder.

18        ➔Section 8. KRS 309.0831 is amended to read as follows:

19        An applicant for registration as an alcohol and drug peer support specialist shall pay the  
 20        board an initial fee for registration, and shall:

21        (1) Be at least eighteen (18) years of age;

22        (2) Have obtained a high school diploma or equivalent;

23        (3) Have completed five hundred (500) hours of board-approved experience working  
 24        with persons having a substance use disorder, twenty-five (25) hours of which shall  
 25        have been under the direct supervision of:

26        (a) A certified alcohol and drug counselor who has at least two (2) years post-  
 27        certification experience **and has attended the board-sponsored supervision**

1           training; or

2           (b) A licensed clinical alcohol and drug counselor who has at least twelve (12)  
3           months of post-licensure experience or has attended the board-sponsored  
4           supervision training;

5           (4) Have completed at least forty (40)~~[sixty (60)]~~ classroom hours of board-approved  
6           curriculum;

7           (5) Have passed a written examination that has been approved by the board;

8           (6) Have signed an agreement to abide by the standards of practice and code of ethics  
9           approved by the board;

10          (7) Attest to being in recovery for a minimum of one (1) year~~[two (2) years]~~ from a  
11          substance-related disorder;

12          (8) Have completed at least sixteen (16) hours of ethics training; three (3) hours of  
13          domestic violence training; two (2) hours of training in the transmission, control,  
14          treatment, and prevention of the human immunodeficiency virus; ten (10) hours of  
15          advocacy training; ten (10) hours of training in mentoring and education; and ten  
16          (10) hours of training in recovery support;

17          (9) Have submitted two (2) letters of reference from certified alcohol and drug  
18          counselors or licensed clinical alcohol and drug counselors;

19          (10) Live or work at least a majority of the time in Kentucky; and

20          (11) Have complied with the requirements for the training program in suicide  
21          assessment, treatment, and management in KRS 210.366 and any administrative  
22          regulations promulgated thereunder.

23          ➔Section 9. KRS 309.0832 is amended to read as follows:

24          An applicant for licensure as a licensed clinical alcohol and drug counselor shall pay the  
25          board the initial fee for licensure, and shall:

26          (1) Be at least eighteen (18) years of age;

27          (2) Have obtained from a regionally accredited college or university or a college or

1 university accredited by an agency recognized by the United States Department of  
2 Education:

3 (a) A sixty (60) hour master's degree in a behavioral science with clinical  
4 application;

5 (b) A thirty (30) hour advanced placement master's degree in a behavioral science  
6 with clinical application; or

7 (c) A doctoral degree in a behavioral science with clinical application;

8 (3) Meet all education and supervision requirements of the International  
9 Certification and Reciprocity Consortium for the Advanced Alcohol and Drug  
10 Counselor (AADC);

11 (4) Have completed at least one hundred eighty (180) classroom hours of alcohol and  
12 drug counselor specific board-approved curriculum;

13 (5) [(4)] Have passed a written examination as specified by the board in administrative  
14 regulation;

15 (6) [(5)] Have signed an agreement to abide by the standards of practice and code of  
16 ethics approved by the board;

17 (7) [(6)] Have completed at least six (6) hours of ethics training; three (3) hours of  
18 domestic violence training; and two (2) hours training in the transmission, control,  
19 treatment, and prevention of the human immunodeficiency virus, in addition to the  
20 educational requirements in subsection (2) of this section;

21 (8) [(7)] Have submitted two (2) letters of reference from certified alcohol and drug  
22 counselors or licensed clinical alcohol and drug counselors;

23 (9) [(8)] Live or work at least a majority of the time in Kentucky;

24 (10) [(9)] Have complied with the requirements for the training program in suicide  
25 assessment, treatment, and management in KRS 210.366 and any administrative  
26 regulations promulgated thereunder; and

27 (11) [(10)] Have completed two thousand (2,000) hours of board-approved experience

1 working with persons having a substance use disorder, three hundred (300) hours of  
 2 which shall have been under the direct supervision of a licensed clinical alcohol and  
 3 drug counselor.

4 ➔ Section 10. KRS 309.0833 is amended to read as follows:

5 (1) An applicant for licensure as a licensed clinical alcohol and drug counselor  
 6 associate shall:

- 7 (a) Pay the board the initial fee for licensure;
- 8 (b) Complete the requirements under KRS 309.0832(1) to (9); and
- 9 (c) Obtain a board-approved supervisor of record.

10 (2) Upon completion of the hours of board-approved experience specified in KRS  
 11 309.0832(~~11~~)(10), a licensed clinical alcohol and drug counselor associate may  
 12 apply to the board for licensure as a licensed clinical alcohol and drug counselor.

13 ➔ Section 11. KRS 309.088 is amended to read as follows:

14 (1) The board may permit an out-of-state licensed clinical alcohol and drug counselor,  
 15 certified alcohol and drug counselor, certified alcohol and drug counselor  
 16 associate II, certified alcohol and drug counselor associate I, or alcohol and drug  
 17 peer support specialist to obtain a license, certificate, or registration by reciprocity  
 18 if:

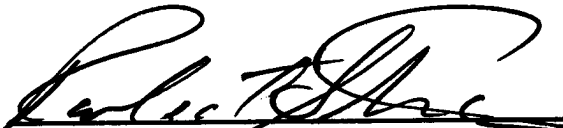
- 19 (a) The out-of-state licensee, certificate holder, or registrant possesses a valid  
 20 license, certificate, or registration from another jurisdiction that grants the  
 21 same privileges to persons licensed, certified, or registered by this state as  
 22 Kentucky grants to persons licensed, certified, or registered by the other  
 23 jurisdiction;
- 24 (b) The requirements for licensure, certification, or registration are substantially  
 25 similar to the requirements in KRS 309.080 to 309.089; and
- 26 (c) The out-of-state licensee, certificate holder, or registrant seeking licensure,  
 27 certification, or registration states that he or she has studied, is familiar with,



1           and shall abide by KRS 309.080 to 309.089 and the administrative regulations  
2           promulgated thereunder.

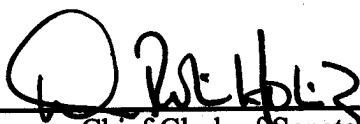
3   (2) If the requirements for licensure, certification, or registration under KRS 309.080 to  
4       309.089 are more restrictive than the standards of the other jurisdiction, then the  
5       out-of-state licensee, certificate holder, or registrant shall comply with the  
6       additional requirements in KRS 309.080 to 309.089 to obtain a reciprocal license,  
7       certificate, or registration.

8       ➔Section 12. Sections 2 to 11 of this Act shall take effect on March 1, 2021.


  
\_\_\_\_\_  
President of Senate

  
\_\_\_\_\_  
Speaker-House of Representatives

Attest:

  
\_\_\_\_\_  
Chief Clerk of Senate

Approved

  
\_\_\_\_\_  
Governor

Date

4-24-2020

**309.080 Definitions for KRS 309.080 to 309.089. (Effective March 1, 2021)**

As used in KRS 309.080 to 309.089, unless the context otherwise requires:

- (1) "Board" means the Kentucky Board of Alcohol and Drug Counselors;
- (2) "Certified alcohol and drug counselor associate I" means a person certified by the board who meets the requirements of KRS 309.0841;
- (3) "Certified alcohol and drug counselor associate II" means a person certified by the board who meets the requirements of KRS 309.0842;
- (4) "Certified alcohol and drug counselor" means a person certified by the board who meets the requirements in KRS 309.083;
- (5) "Certificate holder" means an alcohol and drug counselor who is certified pursuant to KRS 309.080 to 309.089;
- (6) "Licensed clinical alcohol and drug counselor" means a person licensed by the board who meets the requirements of KRS 309.0832;
- (7) "Licensed clinical alcohol and drug counselor associate" means a person licensed by the board who meets the requirements of KRS 309.0833;
- (8) "Licensee" means a clinical alcohol and drug counselor who is licensed pursuant to KRS 309.080 to 309.089;
- (9) "Practice of alcohol and drug counseling":
  - (a) Means the assessment and counseling of an individual, family, or group dealing with an alcohol or drug problem or addiction; and
  - (b) Does not include the diagnosis or treatment of a mental health condition, or the administration or interpretation of psychological tests;
- (10) "Registered alcohol and drug peer support specialist" means a person registered by the board who meets the requirements in KRS 309.0831; and
- (11) "Registrant" means an alcohol and drug peer support specialist who is registered pursuant to KRS 309.080 to 309.089.

**Effective:** March 1, 2021

**History:** Amended 2020 Ky. Acts ch. 99, sec. 4, effective March 1, 2021. -- Amended 2015 Ky. Acts ch. 29, sec. 1, effective June 24, 2015. -- Created 1996 Ky. Acts ch. 96, sec. 1, effective July 15, 1996.

**309.0805 Use of titles restricted to individuals who are licensed, certified, or registered with the board -- Construction. (Effective March 1, 2021)**

- (1) No person shall use the title "licensed clinical alcohol and drug counselor," "licensed clinical alcohol and drug counselor associate," "certified alcohol and drug counselor," "certified alcohol and drug counselor associate II," "certified alcohol and drug counselor associate I," or "registered alcohol and drug peer support specialist," or hold himself or herself out as a "licensed clinical alcohol and drug counselor," "licensed clinical alcohol and drug counselor associate," "certified alcohol and drug counselor," or "registered alcohol and drug peer support specialist" unless he or she is licensed, certified, or registered pursuant to KRS 309.080 to 309.089.
- (2) Nothing in KRS 309.080 to 309.089 shall apply to persons licensed, certified, or registered under any other provision of the Kentucky Revised Statutes, including but not limited to physicians, social workers, psychologists, marriage and family therapists, art therapists, nurses, or students in accredited training programs in those professions, and nothing in KRS 309.080 to 309.089 shall be construed to limit, interfere with, or restrict the practice, descriptions of services, or manner in which they hold themselves out to the public.
- (3) Nothing in KRS 309.080 to 309.089 shall be construed to alter, amend, or interfere with the practice of those who render counseling services, including but not limited to employment counseling, job placement counseling, vocational rehabilitation counseling, pastoral counseling based on any tenet of one's religious beliefs, or school counseling.
- (4) Nothing in KRS 309.080 to 309.089 shall apply to the activities and services of a student intern or trainee who is pursuing a program of studies in alcohol and drug counseling at an accredited institution of higher education, if these activities are performed under the supervision or direction of an approved supervisor and the activities are part of the supervised program of studies.

**Effective:** March 1, 2021

**History:** Amended 2020 Ky. Acts ch. 99, sec. 5, effective March 1, 2021. -- Amended 2015 Ky. Acts ch. 29, sec. 2, effective June 24, 2015. -- Created 1996 Ky. Acts ch. 96, sec. 2, effective July 15, 1996.

### **309.081 Board of Alcohol and Drug Counselors.**

- (1) There is hereby created the Kentucky Board of Alcohol and Drug Counselors consisting of seven (7) members who shall be appointed by the Governor. One (1) member shall be a citizen at large who is not associated with or financially interested in the practice or business of alcohol and drug counseling, and the six (6) remaining members shall be licensed clinical alcohol and drug counselors or certified alcohol and drug counselors, pursuant to KRS 309.080 to 309.089. The board shall elect a chairperson each year at the first meeting called after the appointment of new members.
- (2) Each member of the board shall serve for a term of four (4) years with a maximum of two (2) full consecutive terms.
- (3) Each counselor member appointed to the board shall be a licensed clinical alcohol and drug counselor or certified alcohol and drug counselor and shall be actively engaged in the practice or teaching of alcohol and drug counseling in Kentucky.
- (4) All reappointments to and vacancies on the board shall be filled by the Governor from a list of three (3) names for each position that shall be submitted by the Kentucky Association of Addiction Professionals. The list shall consist of the three (3) nominees receiving the most votes in an election for each position to be filled. The election shall be administered by the Kentucky Association of Addiction Professionals, and nominations may be submitted by any interested party. The nominees shall be selected by all alcohol and drug counselors licensed or certified under KRS 309.080 to 309.089. Vacancies shall be filled for the remainder of an unexpired term in the same manner as set out in this subsection.
- (5) The citizen-at-large member shall be disqualified from serving on the board if:
  - (a) The member, a person who is a part of the member's household, or the member's relative becomes associated with or financially interested in the business of alcohol and drug counseling, or participates or has participated in a professional field related to alcohol and drug counseling; or
  - (b) The member, a person who is a part of the member's household, or the member's relative becomes, or is in training to become, a licensed clinical alcohol and drug counselor or certified alcohol and drug counselor.
- (6) A counselor member of the board shall be disqualified from serving on the board if:
  - (a) He or she violates the code of professional ethics or standards of practice established pursuant to KRS 309.0813; or
  - (b) He or she ceases to be a licensed clinical alcohol and drug counselor or certified alcohol and drug counselor in Kentucky.
- (7) Board members shall be reimbursed for all reasonable and necessary expenses they incur because of their board duties.

**Effective:** June 24, 2015

**History:** Amended 2015 Ky. Acts ch. 29, sec. 3, effective June 24, 2015. -- Created 1996 Ky. Acts ch. 96, sec. 3, effective July 15, 1996.

**309.0813 Duties of board -- Administrative regulations -- Fees. (Effective March 1, 2021)**

The board shall:

- (1) Promulgate administrative regulations pursuant to KRS Chapter 13A for the administration and enforcement of KRS 309.080 to 309.089;
- (2) Promulgate administrative regulations pursuant to KRS Chapter 13A establishing a code of ethics, standards of practice, and continuing education for licensed clinical alcohol and drug counselors, licensed clinical alcohol and drug counselor associates, certified alcohol and drug counselors, certified alcohol and drug counselor associates II, certified alcohol and drug counselor associates I, and registered alcohol and drug peer support specialists;
- (3) Approve and disapprove, at least once every other month, those persons who shall be licensed, certified, or registered under KRS 309.080 to 309.089;
- (4) Approve the examination required of applicants for licensure or certification as alcohol and drug counselors and applicants for registration as alcohol and drug peer support specialists, and promulgate administrative regulations pursuant to KRS Chapter 13A for the administration and grading of the examination;
- (5) Promulgate administrative regulations pursuant to KRS Chapter 13A to define the process to register with the board as a registered alcohol and drug peer support specialist, certified alcohol and drug counselor, licensed clinical alcohol and drug counselor associate, or licensed clinical alcohol and drug counselor;
- (6) Promulgate administrative regulations pursuant to KRS Chapter 13A establishing grounds and procedures for denying, suspending, failing to reissue, or revoking a license, certificate, or registration, and issuing reprimands and admonishments pursuant to KRS 309.080 to 309.089;
- (7) Hold a hearing pursuant to KRS Chapter 13B upon the request of an aggrieved licensee, licensee associate, certificate holder, or registrant, or an applicant for a license, certificate, or registration;
- (8) Employ needed personnel and establish their duties and compensation;
- (9) Maintain a register of licensed clinical alcohol and drug counselors, licensed clinical alcohol and drug counselor associates, certified alcohol and drug counselors, and registered alcohol and drug peer support specialists;
- (10) Keep a complete record of the board's proceedings;
- (11) Investigate suspected or alleged violations of KRS 309.080 to 309.089 and the administrative regulations promulgated pursuant to KRS 309.080 to 309.089;
- (12) Promulgate administrative regulations pursuant to KRS Chapter 13A establishing an initial licensure fee, certification fee, registration fee, and annual renewal fees not to exceed three hundred dollars (\$300) each;
- (13) Take legal action as necessary to restrain or enjoin violations of KRS 309.080 to 309.089 and the administrative regulations promulgated pursuant to KRS 309.080 to 309.089;
- (14) Submit an annual report to the Governor and the Legislative Research Commission

by January 1 of each year, which lists all hearings conducted by the board and the decisions rendered; and

- (15) Collect and deposit all fees, fines, and other moneys owed to the board into the State Treasury to the credit of the revolving fund established in KRS 309.082.

**Effective:** March 1, 2021

**History:** Amended 2020 Ky. Acts ch. 99, sec. 6, effective March 1, 2021. -- Amended 2015 Ky. Acts ch. 29, sec. 4, effective June 24, 2015. -- Created 1996 Ky. Acts ch. 96, sec. 4, effective July 15, 1996.

**Legislative Research Commission Note** (6/24/2015). Under the authority of KRS 7.136(1)(h), during codification of 2015 Ky. Acts ch. 29, sec. 4 (this statute), the Reviser of Statutes has corrected a reference in subsection (15) to "Section 15 of this Act" to read instead "Section 16 of this Act" since the text of subsection (15) is referring to a revolving fund established in Section 16 of that Act, not Section 15. As codified, Section 16 became KRS 309.082.

**309.0814 Administrative regulations regarding supervisors of record.**

- (1) The board shall promulgate administrative regulations in accordance with KRS Chapter 13A to define the process to register with the board as a supervisor of record, including required supervisory training.
- (2) A registered alcohol and drug peer support specialist shall only practice as an employee of a licensed facility or under the board-approved supervision of a certified alcohol and drug counselor or licensed clinical alcohol and drug counselor.

**Effective:** June 24, 2015

**History:** Created 2015 Ky. Acts ch. 29, sec. 9, effective June 24, 2015.



**309.082 Revolving fund for implementation of KRS 309.080 to 309.089.**

- (1) All license, certificate, and registration fees, charges, and fines, and other moneys collected by the board under KRS 309.080 to 309.089 and the administrative regulations of the board, shall be deposited into the State Treasury and credited to a revolving fund to be used by the board in carrying out KRS 309.080 to 309.089, and are hereby appropriated for those purposes.
- (2) Notwithstanding KRS 45.229, any moneys remaining in the fund at the close of the fiscal year shall not lapse but shall be carried forward into the succeeding fiscal year. Any interest earnings of the fund shall become part of the fund and shall not lapse.

**Effective:** June 24, 2015

**History:** Created 2015 Ky. Acts ch. 29, sec. 16, effective June 24, 2015.

**309.083 Requirements for certification as alcohol and drug counselors. (Effective March 1, 2021)**

An applicant for certification as an alcohol and drug counselor shall pay the board the initial fee for certification, and shall:

- (1) Be at least eighteen (18) years of age;
- (2) Have obtained a baccalaureate degree, unless the applicant is certified by the board as a certified alcohol and drug counselor associate II;
- (3) Have completed the minimum work experience and supervision requirements for alcohol and drug counselors by the International Certification and Reciprocity Consortium with supervised hours being under the direct supervision of:
  - (a) A certified alcohol and drug counselor who has at least two (2) years of post-certification experience and has attended the board-sponsored supervision training; or
  - (b) A licensed clinical alcohol and drug counselor who has at least twelve (12) months of post-licensure experience or has attended the board-sponsored supervision training;
- (4) Meet all minimum supervision, education, and training requirements of the International Certification and Reciprocity Consortium for the Alcohol and Drug Counselor (ADC);
- (5) Have passed a written examination for alcohol and drug counselors that has been approved by the International Certification and Reciprocity Consortium;
- (6) Have signed an agreement to abide by the standards of practice and code of ethics approved by the board;
- (7) Have completed at least six (6) hours of ethics training; three (3) hours of domestic violence training; and two (2) hours of training in the transmission, control, treatment, and prevention of the human immunodeficiency virus;
- (8) Have submitted two (2) letters of reference from certified or licensed clinical alcohol and drug counselors;
- (9) Live or work at least a majority of the time in Kentucky; and
- (10) Have complied with the requirements for the training program in suicide assessment, treatment, and management in KRS 210.366 and any administrative regulations promulgated thereunder.

**Effective:** March 1, 2021

**History:** Amended 2020 Ky. Acts ch. 99, sec. 7, effective March 1, 2021. -- Amended 2015 Ky. Acts ch. 29, sec. 6, effective June 24, 2015. -- Amended 2003 Ky. Acts ch. 36, sec. 1, effective June 24, 2003. -- Created 1996 Ky. Acts ch. 96, sec. 5, effective July 15, 1996.

**309.0831 Requirements for registration as an alcohol and drug peer support specialist. (Effective March 1, 2021)**

An applicant for registration as an alcohol and drug peer support specialist shall pay the board an initial fee for registration, and shall:

- (1) Be at least eighteen (18) years of age;
- (2) Have obtained a high school diploma or equivalent;
- (3) Have completed five hundred (500) hours of board-approved experience working with persons having a substance use disorder, twenty-five (25) hours of which shall have been under the direct supervision of:
  - (a) A certified alcohol and drug counselor who has at least two (2) years post-certification experience and has attended the board-sponsored supervision training; or
  - (b) A licensed clinical alcohol and drug counselor who has at least twelve (12) months of post-licensure experience or has attended the board-sponsored supervision training;
- (4) Have completed at least forty (40) classroom hours of board-approved curriculum;
- (5) Have passed a written examination that has been approved by the board;
- (6) Have signed an agreement to abide by the standards of practice and code of ethics approved by the board;
- (7) Attest to being in recovery for a minimum of one (1) year from a substance-related disorder;
- (8) Have completed at least sixteen (16) hours of ethics training; three (3) hours of domestic violence training; two (2) hours of training in the transmission, control, treatment, and prevention of the human immunodeficiency virus; ten (10) hours of advocacy training; ten (10) hours of training in mentoring and education; and ten (10) hours of training in recovery support;
- (9) Have submitted two (2) letters of reference from certified alcohol and drug counselors or licensed clinical alcohol and drug counselors;
- (10) Live or work at least a majority of the time in Kentucky; and
- (11) Have complied with the requirements for the training program in suicide assessment, treatment, and management in KRS 210.366 and any administrative regulations promulgated thereunder.

**Effective:** March 1, 2021

**History:** Amended 2020 Ky. Acts ch. 99, sec. 8, effective March 1, 2021. -- Created 2015 Ky. Acts ch. 29, sec. 5, effective June 24, 2015.

**309.0832 Requirements for licensure as a licensed clinical alcohol and drug counselor. (Effective March 1, 2021)**

An applicant for licensure as a licensed clinical alcohol and drug counselor shall pay the board the initial fee for licensure, and shall:

- (1) Be at least eighteen (18) years of age;
- (2) Have obtained from a regionally accredited college or university or a college or university accredited by an agency recognized by the United States Department of Education:
  - (a) A sixty (60) hour master's degree in a behavioral science with clinical application;
  - (b) A thirty (30) hour advanced placement master's degree in a behavioral science with clinical application; or
  - (c) A doctoral degree in a behavioral science with clinical application;
- (3) Meet all education and supervision requirements of the International Certification and Reciprocity Consortium for the Advanced Alcohol and Drug Counselor (AADC);
- (4) Have completed at least one hundred eighty (180) classroom hours of alcohol and drug counselor specific board-approved curriculum;
- (5) Have passed a written examination as specified by the board in administrative regulation;
- (6) Have signed an agreement to abide by the standards of practice and code of ethics approved by the board;
- (7) Have completed at least six (6) hours of ethics training; three (3) hours of domestic violence training; and two (2) hours training in the transmission, control, treatment, and prevention of the human immunodeficiency virus, in addition to the educational requirements in subsection (2) of this section;
- (8) Have submitted two (2) letters of reference from certified alcohol and drug counselors or licensed clinical alcohol and drug counselors;
- (9) Live or work at least a majority of the time in Kentucky;
- (10) Have complied with the requirements for the training program in suicide assessment, treatment, and management in KRS 210.366 and any administrative regulations promulgated thereunder; and
- (11) Have completed two thousand (2,000) hours of board-approved experience working with persons having a substance use disorder, three hundred (300) hours of which shall have been under the direct supervision of a licensed clinical alcohol and drug counselor.

**Effective:** March 1, 2021

**History:** Amended 2020 Ky. Acts ch. 99, sec. 9, effective March 1, 2021. -- Created 2015 Ky. Acts ch. 29, sec. 7, effective June 24, 2015.

**309.0833 Requirements for licensure as a licensed clinical alcohol and drug counselor associate. (Effective March 1, 2021)**

- (1) An applicant for licensure as a licensed clinical alcohol and drug counselor associate shall:
  - (a) Pay the board the initial fee for licensure;
  - (b) Complete the requirements under KRS 309.0832(1) to (10); and
  - (c) Obtain a board-approved supervisor of record.
- (2) Upon completion of the hours of board-approved experience specified in KRS 309.0832(11), a licensed clinical alcohol and drug counselor associate may apply to the board for licensure as a licensed clinical alcohol and drug counselor.

**Effective:** March 1, 2021

**History:** Amended 2020 Ky. Acts ch. 99, sec. 10, effective March 1, 2021. -- Created 2015 Ky. Acts ch. 29, sec. 8, effective June 24, 2015.

**309.084 Certification of applicants -- Administrative regulations.**

- (1) The board shall license, certify, or register, as appropriate, any applicant who meets all of the requirements for licensure, certification, or registration set out in KRS 309.083, 309.0831, and 309.0832 and subsection (2) of this section, pays the fees established by the board, and is not disqualified pursuant to KRS 309.086.
- (2)
  - (a) The board shall promulgate administrative regulations establishing a limited period of time, not less than ninety (90) days nor more than one (1) year, during which licensure may be extended to persons not meeting all the provisions of KRS 309.0832 if:
    1. The person is a certified alcohol and drug counselor in Kentucky prior to June 24, 2015; and
    2. The applicant has a master's degree or a doctoral degree in a behavioral science with clinical application from a regionally accredited college or university or a college or university accredited by an agency recognized by the United States Department of Education.
  - (b) After the expiration of the time period established by the board in administrative regulation under paragraph (a) of this subsection, the applicant for licensure shall meet the qualifications established in KRS 309.0832 or 309.0833.
  - (c) Applicants granted licensure under paragraph (a) of this subsection shall be granted authority to provide clinical supervision, as specified in regulations promulgated in accordance with KRS 309.0814(1), without delay to alcohol and drug counselors currently holding certification or licensure and those seeking certification or licensure.

**.Effective:** June 24, 2015

**History:** Amended 2015 Ky. Acts ch. 29, sec. 10, effective June 24, 2015. -- Amended 2003 Ky. Acts ch. 36, sec. 2, effective June 24, 2003. -- Created 1996 Ky. Acts ch. 96, sec. 6, effective July 15, 1996.

**309.0841 Requirements for certification as a certified alcohol and drug counselor associate I. (Effective March 1, 2021)**

- (1) An applicant for certification as a certified alcohol and drug counselor associate I shall pay the board the initial fee for certification, and shall:
  - (a) Be at least eighteen (18) years of age;
  - (b) Have obtained a high school diploma or high school equivalency diploma;
  - (c) Have completed forty (40) classroom hours of board-approved curriculum, twenty (20) hours of which shall have been obtained in the previous two (2) years, that includes:
    1. Screening assessment and engagement;
    2. Treatment planning, collaboration, and referral;
    3. Counseling; and
    4. Professional and ethical responsibilities;
  - (d) Be under the ongoing supervision of a board-approved supervisor for no less than two (2) hours, two (2) times a month in the practice of drug and alcohol counseling; and
  - (e) Submit a signed statement agreeing to practice by the code of ethical standards adopted by the board.
- (2) During the first twelve (12) months after an initial certificate has been issued, a certified alcohol and drug counselor associate I shall complete at least thirty (30) additional classroom hours of board-approved curriculum as specified in subsection (1)(c)1. to 4. of this section.

**Effective:** March 1, 2021

**History:** Created 2020 Ky. Acts ch. 99, sec. 2, effective March 1, 2021.

**309.0842 Requirements for certification as a certified alcohol and drug counselor associate II. (Effective March 1, 2021)**

An applicant for certification as a certified alcohol and drug counselor associate II shall pay the board the initial fee for certification, and shall:

- (1) Be certified by the board as a certified alcohol and drug counselor associate I for a period of at least eight (8) months;
- (2) Have four hundred (400) hours of documented chemical dependency counseling-related compensated work or supervised internship experience of which a minimum of eighty (80) hours shall be in chemical dependency counseling and all of which shall have been under the direct supervision of:
  - (a) A certified alcohol and drug counselor who has at least two (2) years of post-certification experience and has attended the board-sponsored supervision training; or
  - (b) A licensed clinical alcohol and drug counselor who has at least twelve (12) months of post-licensure experience or has attended the board-sponsored supervision training; and
- (3) Have seventy (70) hours of approved classroom hours of board-approved curriculum of which twenty (20) hours shall have been obtained in the previous two (2) years and shall be in addition to the classroom hours required in KRS 309.0841 for a certified alcohol and drug counselor associate I.

**Effective:** March 1, 2021

**History:** Created 2020 Ky. Acts ch. 99, sec. 3, effective March 1, 2021.



**309.085    Renewal of licenses, certificates, and registrations -- Cancellation and reinstatement.**

- (1) A license, certificate, or registration issued pursuant to KRS 309.084 shall be renewed every three (3) years upon:
  - (a) Payment of the renewal fee as established pursuant to KRS 309.0813; and
  - (b) Completion of continuing education requirements, as established by the board by promulgation of an administrative regulation, not to exceed sixty (60) hours per renewal period.
- (2) The board shall cancel any license, certificate, or registration not renewed within ninety (90) days after the renewal date; however, the board may reinstate the license, certificate, or registration upon its holder paying the renewal fee and satisfying the other reinstatement requirements as established by the board by administrative regulation within one (1) year of the anniversary date of issue of renewal.

**Effective:** June 24, 2015

**History:** Amended 2015 Ky. Acts ch. 29, sec. 12, effective June 24, 2015. -- Created 1996 Ky. Acts ch. 96, sec. 7, effective July 15, 1996.

**309.086 Revocation, suspension, probation, or restriction of license, certificate, or registration -- Hearings -- Appeals.**

- (1) The board may revoke, suspend, place on probation, or restrict the license, certificate, or registration of a licensee, certificate holder, or registrant; refuse to issue or renew a license, certificate, or registration; and reprimand, admonish, or fine a licensee, certificate holder, or registrant for the following:
  - (a) Fraud or deceit in obtaining licensure, certification, or registration;
  - (b) Transferring the authority granted by the license, certificate, or registration to another person;
  - (c) Using unfair, false, misleading, or deceptive trade practices;
  - (d) Willfully or deliberately disregarding professional standards of practice or violating the code of ethics;
  - (e) Aiding and abetting a person who obtains a license, certificate, or registration fraudulently;
  - (f) Conspiring or combining with others to obtain a license, certificate, or registration to be used by an unlicensed, uncertified, or unregistered person with the intent to evade the provisions of KRS 309.080 to 309.089 and administrative regulations promulgated pursuant to those sections;
  - (g) Negligence or incompetence in complying with the applicable code of ethics and standards of practice or failure to comply with continuing education requirements;
  - (h) Violating KRS 309.080 to 309.089 and administrative regulations promulgated pursuant to those sections; or
  - (i) Being convicted of any crime as defined in KRS 335B.010 in which an element of the crime is dishonesty or fraud, within the past three (3) years, if in accordance with KRS Chapter 335B.
- (2) The board shall, upon the request of a licensed clinical alcohol and drug counselor, certified alcohol and drug counselor, or registered alcohol and drug peer support specialist, or an applicant for licensure, certification, or registration, hold a hearing pursuant to KRS Chapter 13B before denying an application; refusing to renew a license, certificate, or registration; suspending a license, certificate, or registration; or imposing a fine. The affected party may appeal the board's decision in the Circuit Court where the licensee, certificate holder, or registrant resides. The action of the board shall remain in effect pending any appeals unless the board rescinds or modifies its order.

**Effective:** June 29, 2017

**History:** Amended 2017 Ky. Acts ch. 158, sec. 41, effective June 29, 2017. -- Amended 2015 Ky. Acts ch. 29, sec. 13, effective June 24, 2015. -- Created 1996 Ky. Acts ch. 96, sec. 8, effective July 15, 1996.

**309.087      Application for reinstatement of revoked license, certificate, or registration.**

A person whose license, certificate, or registration has been revoked may apply for reinstatement, no earlier than one (1) year from the date of revocation, in accordance with administrative regulations promulgated by the board.

**Effective:** June 24, 2015

**History:** Amended 2015 Ky. Acts ch. 29, sec. 14, effective June 24, 2015. -- Created 1996 Ky. Acts ch. 96, sec. 9, effective July 15, 1996.

**309.088 Reciprocity for licensure, certification, and registration. (Effective March 1, 2021)**

- (1) The board may permit an out-of-state licensed clinical alcohol and drug counselor, certified alcohol and drug counselor, certified alcohol and drug counselor associate II, certified alcohol and drug counselor associate I, or alcohol and drug peer support specialist to obtain a license, certificate, or registration by reciprocity if:
  - (a) The out-of-state licensee, certificate holder, or registrant possesses a valid license, certificate, or registration from another jurisdiction that grants the same privileges to persons licensed, certified, or registered by this state as Kentucky grants to persons licensed, certified, or registered by the other jurisdiction;
  - (b) The requirements for licensure, certification, or registration are substantially similar to the requirements in KRS 309.080 to 309.089; and
  - (c) The out-of-state licensee, certificate holder, or registrant seeking licensure, certification, or registration states that he or she has studied, is familiar with, and shall abide by KRS 309.080 to 309.089 and the administrative regulations promulgated thereunder.
- (2) If the requirements for licensure, certification, or registration under KRS 309.080 to 309.089 are more restrictive than the standards of the other jurisdiction, then the out-of-state licensee, certificate holder, or registrant shall comply with the additional requirements in KRS 309.080 to 309.089 to obtain a reciprocal license, certificate, or registration.

**Effective:** March 1, 2021

**History:** Amended 2020 Ky. Acts ch. 99, sec. 11, effective March 1, 2021. -- Created 2015 Ky. Acts ch. 29, sec. 11, effective June 24, 2015.

**309.089 Additional penalties for licensees, certificate holders, or registrants.**

In addition to the sanctions set out in KRS 309.086, the board may impose the following sanctions on licensees, certificate holders, or registrants who violate the provisions of KRS 309.080 to 309.089 or administrative regulations promulgated pursuant to those sections:

- (1) Suspend a license, certificate, or registration for a period of up to five (5) years; and
- (2) Impose a fine of up to one thousand dollars (\$1,000).

**Effective:** June 24, 2015

**History:** Amended 2015 Ky. Acts ch. 29, sec. 15, effective June 24, 2015. -- Created 1996 Ky. Acts ch. 96, sec. 10, effective July 15, 1996.

# Kentucky Education Requirements & Certification for Substance Abuse Counselors

State of Kentucky guide to counselor  
education and certification

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## What does an Addiction Counselor in Kentucky do? What is Their Job Role?

Nationally the role of substance abuse counselor falls within the field of substance abuse, behavioral disorder, and mental health counselors and focuses primarily on addressing addiction issues. Drug and alcohol addiction are the primary behaviors treated by substance abuse counselors and because the addiction problem is growing the need for counselors is also on the rise. While the national job growth outlook is at eight percent the Bureau of Labor Statistics states the projected employment for counselors will grow 23 percent between 2016 and 2026. In Kentucky it is much higher, with a projected need for counselors at a robust 42.2 percent over the next decade.



## Senate Bill 166

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<b>Last Action</b>	02/26/21: 3rd reading, passed 36-0 with Committee Substitute
<b>Title</b>	AN ACT relating to alcohol and drug counselors and declaring an emergency.
<b>Bill Documents</b>	Current  Introduced 
<b>Bill Request Number</b>	1686
<b>Sponsor</b>	J. Adams
<b>Summary of Original Version</b>	Create a new section of KRS Chapter 309 to require alcohol and drug counselors to meet requirements for licensure; amend KRS 309.080 to define licensed alcohol and drug counselor; amend KRS 309.0805, KRS 309.0813, and KRS 309.088 to add licensed alcohol and drug counselor; EMERGENCY.
<b>Index Headings of Original Version</b>	Effective Dates, Emergency - Alcohol and drug counselors, educational requirements for Licensing - Alcohol and drug counselors, requirements for Occupations and Professions - Alcohol and drug counselors, educational requirements for Substance Abuse - Alcohol and drug counselors, educational requirements for Alcoholism - Alcohol and drug counselors, educational requirements for
<b>Jump to Proposed Amendments</b>	Senate Committee Substitute 1 ▼
<b>Votes</b>	Vote History 

## Actions


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<b>02/04/21</b>	introduced in Senate to Committee on Committees (S)
<b>02/09/21</b>	to Health & Welfare (S)
<b>02/24/21</b>	reported favorably, 1st reading, to Consent Calendar with Committee Substitute
<b>02/25/21</b>	2nd reading, to Rules posted for passage in the Consent Orders of the Day for Friday, February 26, 2021
<b>02/26/21</b>	<b>3rd reading, passed 36-0 with Committee Substitute</b>



## Proposed Amendments

Top ↑ | Actions ↑

<b>Amendment</b>	Senate Committee Substitute 1 
<b>Summary</b>	Retain provisions of the bill; add requirements for certification as a certified clinical supervisor; amend KRS 309.0832 to remove supervision requirements; and amend KRS 309.080, 309.0805, 309.0813, and 309.088 to conform; EMERGENCY.
<b>Index Headings</b>	Effective Dates, Emergency - Alcohol and drug counselors, educational requirements for Licensing - Alcohol and drug counselors, requirements for Occupations and Professions - Alcohol and drug counselors, educational requirements for Substance Abuse - Alcohol and drug counselors, educational requirements for Alcoholism - Alcohol and drug counselors, educational requirements for

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1 AN ACT relating to alcohol and drug counselors and declaring an emergency.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS 309.080 TO 309.089 IS CREATED  
4 TO READ AS FOLLOWS:

5 *(1) An applicant for certification as a certified clinical supervisor shall pay the board*  
6 *the initial fee for certification, and shall:*

7 *(a) Hold and maintain an alcohol and drug counselor license, clinical alcohol*  
8 *and drug counselor license, or alcohol and drug counselor certification at*  
9 *the International Certification and Reciprocity Consortium reciprocal level;*

10 *(b) Meet all education, continuing education, work experience, and supervision*  
11 *requirements of the International Certification and Reciprocity Consortium*  
12 *for the Clinical Supervisor;*

13 *(c) Have passed a written examination that has been approved by the*  
14 *International Certification and Reciprocity Consortium; and*

15 *(d) Have signed an agreement to abide by the standards of practice and code of*  
16 *ethics approved by the board.*

17 *(2) The board shall promulgate administrative regulations establishing a time limit*  
18 *of not less than ninety (90) days or more than one (1) year by which a person who*  
19 *was approved by the board as a supervisor prior to the effective date of this Act is*  
20 *required to meet the requirements for a certified clinical supervisor in subsection*  
21 *(1) of this section.*

22 *(3) A certified clinical supervisor may supervise registered alcohol and drug peer*  
23 *support specialists, licensed alcohol and drug counselors, licensed clinical*  
24 *alcohol and drug counselors, certified alcohol and drug counselors, and persons*  
25 *who are seeking registration or certification.*

26 ➔SECTION 2. A NEW SECTION OF KRS 309.080 TO 309.089 IS CREATED  
27 TO READ AS FOLLOWS:

1 An applicant for licensure as a licensed alcohol and drug counselor shall pay the  
2 board the initial fee for licensure, and shall:

3 (1) Be at least eighteen (18) years of age;

4 (2) Have obtained from a regionally accredited college or university, or a college or  
5 university accredited by an agency recognized by the United States Department of  
6 Education, a thirty (30) hour master's degree in a human services field with  
7 clinical application;

8 (3) Meet all education, work experience, and supervision requirements of the  
9 International Certification and Reciprocity Consortium for the Alcohol and Drug  
10 Counselor, with the required supervision hours being under the direct  
11 supervision of:

12 (a) A licensed alcohol and drug counselor who has at least two (2) years of  
13 post-licensure experience and has attended the board-sponsored supervision  
14 training; or

15 (b) A licensed clinical alcohol and drug counselor who has at least twelve (12)  
16 months of post-licensure experience or who has attended the board-  
17 sponsored supervision training;

18 (4) Have passed a written examination that has been approved by the International  
19 Certification and Reciprocity Consortium;

20 (5) Have signed an agreement to abide by the standards of practice and code of ethics  
21 approved by the board;

22 (6) Have completed at least six (6) hours of ethics training; three (3) hours of  
23 domestic violence training; and two (2) hours training in the transmission,  
24 control, treatment, and prevention of the human immunodeficiency virus, in  
25 addition to the educational requirements in subsection (2) of this section;

26 (7) Have submitted two (2) letters of reference from certified alcohol and drug  
27 counselors, licensed alcohol and drug counselors, or licensed clinical alcohol and

1       *drug counselors;*

2       *(8) Live or work at least a majority of the time in Kentucky; and*

3       *(9) Have complied with the requirements for the training program in suicide*  
4       *assessment, treatment, and management in KRS 210.366 and any administrative*  
5       *regulations promulgated thereunder.*

6       ➔Section 3. KRS 309.080 (Effective March 1, 2021) is amended to read as  
7 follows:

8 As used in KRS 309.080 to 309.089, unless the context otherwise requires:

- 9 (1) "Board" means the Kentucky Board of Alcohol and Drug Counselors;
- 10 (2) "Certified alcohol and drug counselor associate I" means a person certified by the  
11 board who meets the requirements of KRS 309.0841;
- 12 (3) "Certified alcohol and drug counselor associate II" means a person certified by the  
13 board who meets the requirements of KRS 309.0842;
- 14 (4) "Certified alcohol and drug counselor" means a person certified by the board who  
15 meets the requirements in KRS 309.083;
- 16 (5) *"Certified clinical supervisor" means a person certified by the board who meets*  
17 *the requirements of Section 1 of this Act;*
- 18 *(6)* "Certificate holder" means an alcohol and drug counselor who is certified pursuant  
19 to KRS 309.080 to 309.089;
- 20 *(7) [(6)] "Licensed alcohol and drug counselor" means a person licensed by the*  
21 *board who meets the requirements of Section 2 of this Act;*
- 22 *(8)* "Licensed clinical alcohol and drug counselor" means a person licensed by the  
23 board who meets the requirements of KRS 309.0832;
- 24 *(9) [(7)]* "Licensed clinical alcohol and drug counselor associate" means a person  
25 licensed by the board who meets the requirements of KRS 309.0833;
- 26 *(10) [(8)]* "Licensee" means a clinical alcohol and drug counselor who is licensed  
27 pursuant to KRS 309.080 to 309.089;

1 ~~(11)~~~~(9)~~ "Practice of alcohol and drug counseling":

2 (a) Means the assessment and counseling of an individual, family, or group  
3 dealing with an alcohol or drug problem or addiction; and

4 (b) Does not include the diagnosis or treatment of a mental health condition, or  
5 the administration or interpretation of psychological tests;

6 ~~(12)~~~~(10)~~ "Registered alcohol and drug peer support specialist" means a person  
7 registered by the board who meets the requirements in KRS 309.0831; and

8 ~~(13)~~~~(11)~~ "Registrant" means an alcohol and drug peer support specialist who is  
9 registered pursuant to KRS 309.080 to 309.089.

10 ➔Section 4. KRS 309.0805 (Effective March 1, 2021) is amended to read as  
11 follows:

12 (1) No person shall use the title "certified clinical supervisor," "licensed alcohol and  
13 drug counselor," "licensed clinical alcohol and drug counselor," "licensed clinical  
14 alcohol and drug counselor associate," "certified alcohol and drug counselor,"  
15 "certified alcohol and drug counselor associate II," "certified alcohol and drug  
16 counselor associate I," or "registered alcohol and drug peer support specialist," or  
17 hold himself or herself out as a "licensed clinical alcohol and drug counselor,"  
18 "licensed clinical alcohol and drug counselor associate," "certified alcohol and drug  
19 counselor," or "registered alcohol and drug peer support specialist" unless he or she  
20 is licensed, certified, or registered pursuant to KRS 309.080 to 309.089.

21 (2) Nothing in KRS 309.080 to 309.089 shall apply to persons licensed, certified, or  
22 registered under any other provision of the Kentucky Revised Statutes, including  
23 but not limited to physicians, social workers, psychologists, marriage and family  
24 therapists, art therapists, nurses, or students in accredited training programs in those  
25 professions, and nothing in KRS 309.080 to 309.089 shall be construed to limit,  
26 interfere with, or restrict the practice, descriptions of services, or manner in which  
27 they hold themselves out to the public.

1 (3) Nothing in KRS 309.080 to 309.089 shall be construed to alter, amend, or interfere  
2 with the practice of those who render counseling services, including but not limited  
3 to employment counseling, job placement counseling, vocational rehabilitation  
4 counseling, pastoral counseling based on any tenet of one's religious beliefs, or  
5 school counseling.

6 (4) Nothing in KRS 309.080 to 309.089 shall apply to the activities and services of a  
7 student intern or trainee who is pursuing a program of studies in alcohol and drug  
8 counseling at an accredited institution of higher education, if these activities are  
9 performed under the supervision or direction of an approved supervisor and the  
10 activities are part of the supervised program of studies.

11 ➔Section 5. KRS 309.0813 (Effective March 1, 2021) is amended to read as  
12 follows:

13 The board shall:

14 (1) Promulgate administrative regulations pursuant to KRS Chapter 13A for the  
15 administration and enforcement of KRS 309.080 to 309.089;

16 (2) Promulgate administrative regulations pursuant to KRS Chapter 13A establishing a  
17 code of ethics, standards of practice, and continuing education for *certified clinical*  
18 *supervisors, licensed alcohol and drug counselors,* licensed clinical alcohol and  
19 drug counselors, licensed clinical alcohol and drug counselor associates, certified  
20 alcohol and drug counselors, certified alcohol and drug counselor associates II,  
21 certified alcohol and drug counselor associates I, and registered alcohol and drug  
22 peer support specialists;

23 (3) Approve and disapprove, at least once every other month, those persons who shall  
24 be licensed, certified, or registered under KRS 309.080 to 309.089;

25 (4) Approve the examination required of applicants for licensure or certification as  
26 *certified clinical supervisors,* alcohol and drug counselors and applicants for  
27 registration as alcohol and drug peer support specialists, and promulgate

- 1 administrative regulations pursuant to KRS Chapter 13A for the administration and  
2 grading of the examination;
- 3 (5) Promulgate administrative regulations pursuant to KRS Chapter 13A to define the  
4 process to register with the board as a **certified clinical supervisor, licensed alcohol**  
5 **and drug counselor,** registered alcohol and drug peer support specialist, certified  
6 alcohol and drug counselor, licensed clinical alcohol and drug counselor associate,  
7 or licensed clinical alcohol and drug counselor;
- 8 (6) Promulgate administrative regulations pursuant to KRS Chapter 13A establishing  
9 grounds and procedures for denying, suspending, failing to reissue, or revoking a  
10 license, certificate, or registration, and issuing reprimands and admonishments  
11 pursuant to KRS 309.080 to 309.089;
- 12 (7) Hold a hearing pursuant to KRS Chapter 13B upon the request of an aggrieved  
13 licensee, licensee associate, certificate holder, or registrant, or an applicant for a  
14 license, certificate, or registration;
- 15 (8) Employ needed personnel and establish their duties and compensation;
- 16 (9) Maintain a register of **certified clinical supervisors, licensed alcohol and drug**  
17 **counselors,** licensed clinical alcohol and drug counselors, licensed clinical alcohol  
18 and drug counselor associates, certified alcohol and drug counselors, and registered  
19 alcohol and drug peer support specialists;
- 20 (10) Keep a complete record of the board's proceedings;
- 21 (11) Investigate suspected or alleged violations of KRS 309.080 to 309.089 and the  
22 administrative regulations promulgated pursuant to KRS 309.080 to 309.089;
- 23 (12) Promulgate administrative regulations pursuant to KRS Chapter 13A establishing  
24 an initial licensure fee, certification fee, registration fee, and annual renewal fees  
25 not to exceed three hundred dollars (\$300) each;
- 26 (13) Take legal action as necessary to restrain or enjoin violations of KRS 309.080 to  
27 309.089 and the administrative regulations promulgated pursuant to KRS 309.080

1 to 309.089;

2 (14) Submit an annual report to the Governor and the Legislative Research Commission  
3 by January 1 of each year, which lists all hearings conducted by the board and the  
4 decisions rendered; and

5 (15) Collect and deposit all fees, fines, and other moneys owed to the board into the  
6 State Treasury to the credit of the revolving fund established in KRS 309.082.

7 ➔Section 6. KRS 309.088 (Effective March 1, 2021) is amended to read as  
8 follows:

9 (1) The board may permit an out-of-state *certified clinical supervisor, licensed alcohol*  
10 *and drug counselor,* licensed clinical alcohol and drug counselor, certified alcohol  
11 and drug counselor, certified alcohol and drug counselor associate II, certified  
12 alcohol and drug counselor associate I, or alcohol and drug peer support specialist  
13 to obtain a license, certificate, or registration by reciprocity if:

14 (a) The out-of-state licensee, certificate holder, or registrant possesses a valid  
15 license, certificate, or registration from another jurisdiction that grants the  
16 same privileges to persons licensed, certified, or registered by this state as  
17 Kentucky grants to persons licensed, certified, or registered by the other  
18 jurisdiction;

19 (b) The requirements for licensure, certification, or registration are substantially  
20 similar to the requirements in KRS 309.080 to 309.089; and

21 (c) The out-of-state licensee, certificate holder, or registrant seeking licensure,  
22 certification, or registration states that he or she has studied, is familiar with,  
23 and shall abide by KRS 309.080 to 309.089 and the administrative regulations  
24 promulgated thereunder.

25 (2) If the requirements for licensure, certification, or registration under KRS 309.080 to  
26 309.089 are more restrictive than the standards of the other jurisdiction, then the  
27 out-of-state licensee, certificate holder, or registrant shall comply with the



1 additional requirements in KRS 309.080 to 309.089 to obtain a reciprocal license,  
2 certificate, or registration.

3 ➔Section 7. KRS 309.0832 (Effective March 1, 2021) is amended to read as  
4 follows:

5 An applicant for licensure as a licensed clinical alcohol and drug counselor shall pay the  
6 board the initial fee for licensure, and shall:

- 7 (1) Be at least eighteen (18) years of age;
- 8 (2) Have obtained from a regionally accredited college or university or a college or  
9 university accredited by an agency recognized by the United States Department of  
10 Education:
  - 11 (a) A sixty (60) hour master's degree in a behavioral science with clinical  
12 application;
  - 13 (b) A thirty (30) hour advanced placement master's degree in a behavioral science  
14 with clinical application; or
  - 15 (c) A doctoral degree in a behavioral science with clinical application;
- 16 (3) Meet all education and supervision requirements of the International Certification  
17 and Reciprocity Consortium for the Advanced Alcohol and Drug Counselor  
18 (AADC);
- 19 (4) ~~Have completed at least one hundred eighty (180) classroom hours of alcohol and~~  
20 ~~drug counselor specific board approved curriculum;~~
- 21 ~~(5) Have passed a written examination as specified by the board in administrative~~  
22 ~~regulation;~~
- 23 ~~(5)(6)~~ Have signed an agreement to abide by the standards of practice and code of  
24 ethics approved by the board;
- 25 ~~(6)(7)~~ Have completed at least six (6) hours of ethics training; three (3) hours of  
26 domestic violence training; and two (2) hours training in the transmission, control,  
27 treatment, and prevention of the human immunodeficiency virus, in addition to the

1 educational requirements in subsection (2) of this section;

2 ~~(7)(8)~~ Have submitted two (2) letters of reference from certified alcohol and drug  
3 counselors or licensed clinical alcohol and drug counselors;

4 ~~(8)(9)~~ Live or work at least a majority of the time in Kentucky;

5 and

6 ~~(9)(10)~~ Have complied with the requirements for the training program in suicide  
7 assessment, treatment, and management in KRS 210.366 and any administrative  
8 regulations promulgated thereunder; and

9 ~~(11) Have completed two thousand (2,000) hours of board-approved experience working~~  
10 ~~with persons having a substance use disorder, three hundred (300) hours of which~~  
11 ~~shall have been under the direct supervision of a licensed clinical alcohol and drug~~  
12 ~~counselor.~~

13 ➔Section 8. KRS 309.0833 (Effective March 1, 2021) is amended to read as  
14 follows:

15 (1) An applicant for licensure as a licensed clinical alcohol and drug counselor  
16 associate shall:

17 (a) Pay the board the initial fee for licensure;

18 (b) Complete the requirements under KRS 309.0832(1) to ~~(9)(10)~~; and

19 (c) Obtain a board-approved supervisor of record.

20 (2) Upon completion of the hours of board-approved experience ~~specified in KRS~~  
21 ~~309.0832(11)~~, a licensed clinical alcohol and drug counselor associate may apply  
22 to the board for licensure as a licensed clinical alcohol and drug counselor.

23 ➔Section 9. Whereas there is a shortage of counselors who are qualified and  
24 available to treat individuals during the current substance use disorder crisis and it is of  
25 the utmost importance that all qualified counselors be able to provide treatment, an  
26 emergency is declared to exist and this Act takes effect March 1, 2021 if passed and  
27 approved by the Governor or upon its passage and approval by the Governor or upon its

1 otherwise becoming a law.